

CHAPTER 05 MUNICIPAL COURT

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions in General

The definitions in A.R.S. tit. 22 (A.R.S. § 22-401 et seq.) shall be applicable to this Chapter unless a term is specifically defined in this Chapter, or unless the context requires otherwise.

Secs. 5-2—5-10. Reserved.

ARTICLE II. MUNICIPAL COURT

Sec. 5-11. Established; Jurisdiction

There is established in the city a municipal court which shall be the police court of the city and which shall have jurisdiction of all violations of this Code, and jurisdiction concurrently with justices of the peace of precincts in which the city is located of violations of state laws committed within the limits of the city.

Sec. 5-12. Presiding Judge and Other Judges of the Municipal Court

(a) The presiding officer of the municipal court and such other magistrates as deemed necessary by the council shall be appointed by the council. The presiding officer of the municipal court shall be referred to in this Chapter as the presiding judge and all other magistrates of the municipal court shall be referred to as judges. Judges may be full-time, part-time or pro tempore.

(b) In the event of a vacancy in the office of presiding judge, the council may appoint an interim presiding judge, who may either be a current municipal judge or a judge from another court. The selection of the interim presiding judge is not required to comply with the procedures set forth in Section 5-33. The interim presiding judge shall serve until a presiding judge is appointed in accordance with this section. In no event shall the interim presiding judge serve in that position more than six months.

(c) The presiding judge and all other judges shall serve for a term of up to two years with the beginning and end of the term to be specified at the time of appointment. During such term, the presiding judge and other judges may be removed only for cause.

Sec. 5-13. Judicial Selection

All judges shall be selected and appointed pursuant to the procedures set forth in Article III of this Chapter.

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Sec. 5-14. Powers and Duties of the Presiding Judge

The powers and duties of the presiding judge include:

- (a) The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this Code and the ordinances and resolutions of the city.
- (b) The supervision of the court clerk in the keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- (c) The responsibility for establishing the amount of fines, penalties, bails, bonds or fees or other monies, consistent with this Code and adopted ordinances and resolutions of the city council, and for receiving monies derived there from as provided by law and in accordance with city financial procedures. Fees shall include without limitation, those special purpose fees set forth in Section 5-62 of this Code.
- (d) Supervising the payment of all fees, fines, penalties and other monies collected by the court to the treasurer in accordance with state law and the city's accounting procedure.
- (e) Submitting a monthly report to the council summarizing court activities for that month.
- (f) Preparation of a schedule of traffic and criminal violations, as provided by law listing specific bail for each violation or offense.

Sec. 5-15. Conduct of Proceedings

- (a) The proceedings of the municipal court shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police or magistrate courts. The proceedings shall also be conducted in accordance with the Arizona Rules of Criminal Procedure, unless otherwise prescribed, and providing this Code and resolutions of the city are not in conflict therewith.
- (b) The municipal court proceedings shall be commenced as provided by law or by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
- (c) If the judge is satisfied that the offense complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the judge may subpoena and examine witnesses as to the truth of the complaint.

Sec. 5-16. Juries

- (a) The formation and summoning of juries in municipal court shall be done in the same manner as provided for by law in courts of record.
- (b) Selection of potential jurors shall be made from the list of registered voters furnished by the county recorded pursuant to A.R.S. § 22-426(B) and those holding valid Arizona driver's licenses.
- (c) Each juror shall be paid by the city for each day's attendance upon the municipal court in accordance with state law.

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Sec. 5-17. Hearing Officers

(a) *Civil traffic violations hearing officer.* The presiding judge may appoint one or more civil traffic hearing officers to preside over civil traffic violation cases when, in the opinion of the presiding judge, the appointment of such hearing officers is necessary to ensure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding judge. All civil traffic hearing officers shall have successfully completed the Civil Traffic Hearing Officer training course conducted by the administrative Office of the Courts of the Supreme Court of the State of Arizona.

(b) *Zoning civil hearing officer.* The presiding judge may appoint one or more civil hearing officers to hear and decide matters related to violations of the zoning code, as set forth in Section 16-1-7 of the City of Maricopa Zoning Code.

(c) *Appeals.* A decision of a hearing officer is appealable to the superior court pursuant to A.R.S. Title 22, Ch.2, Art. 4 (A.R.S. § 22-261 et seq.).

Secs. 5-18—5-30. Reserved

ARTICLE III. APPOINTMENT OF JUDGES OF THE MUNICIPAL COURT

Sec. 5-31. Applicability

This Article shall apply to the appointment of full-time and part-time judges and judges pro tempore of the Maricopa Municipal Court.

Sec. 5-32. Qualifications of Judges of the Municipal Court

(a) The qualifications of judges for the municipal court shall be as follows:

(1) For the position of presiding judge, each applicant shall be a member in good standing of the State Bar of Arizona and have at least five years experience as a full-time judge in an Arizona Court of limited or general jurisdiction;

(2) For the position of judge of the municipal court, each applicant shall be either (i) a member in good standing of the State Bar of Arizona or (ii) hold a masters degree from an accredited college or university and have at least five years' court experience within the State of Arizona;

(3) For the position of judge pro tempore, each applicant shall be either (i) a member in good standing of the State Bar of Arizona or (ii) hold a bachelors degree from an accredited college or university and have at least five years' experience in courts of limited jurisdiction within the State of Arizona.

(b) All applicants for judicial positions for the municipal court shall successfully complete a background check and a pre-employment drug screening test administered by the personnel department prior to final appointment.

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Sec. 5-33. Selection Process--Presiding Judge

The council shall appoint, following any such process that shall from time to time be adopted by the council, the presiding judge. Anyone so appointed shall meet the minimum qualifications enumerated in this Article.

Sec. 5-34. Selection Process—Full or Part-time Judges of the Municipal Court

The council shall appoint, following any such process that shall from time to time be adopted by the council, full or part-time judges of the court. Anyone so appointed shall meet the minimum qualifications enumerated in this Article.

Sec. 5-35. Selection Process—Judges Pro Tempore

The council may appoint, upon recommendation of the presiding judge, a number of judges pro tempore necessary to fulfill the needs of the court. Anyone so appointed shall meet the minimum qualifications enumerated in this Article.

Secs. 5-36—5-50. Reserved

ARTICLE IV. ESTABLISHMENT OF FEES FOR SERVICES PROVIDED BY THE MUNICIPAL COURT

Sec. 5-51. Establishment of Fees

In order to defray the costs of various municipal court services, the fees set forth in this Article shall be assessed and collected from certain persons using municipal court services. The fees assessed are and shall at all times be reasonably calculated to recover, on average, all or part of the costs and expenses associated with each service provided or undertaken on behalf of the person assessed fees.

Sec. 5-52. Assessment and Collection of Fees

The municipal court shall assess and collect fees as provided for in this Article. All fees assessed against a person constitute a debt of the person and may be collected by the city of Maricopa. In addition to any other remedies which may be allowed by law, the city attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fees referred to in this Article.

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Sec. 5-53. Penalties and Assessments

In each case where required by state law, there shall be imposed on the fees imposed in this Chapter a penalty or other assessment in an amount equal to the amounts required to be collected pursuant to Arizona Revised Statutes Sections 12-114.01, 12-116, 12-116.01, 12-116.02, and 16-954(C), as may each be amended or superceded from time to time, as well as any other statutes, ordinances or other laws which may be added or revised by the Arizona Legislature, Pinal County or any other governing body relating to the imposition of such surcharges.

Sec. 5-54. Authority to Waive Fees

The judge may waive all or a portion of the fees established by this Article when, in the judge's opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has no anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

Sec. 5-55. Case Processing Fee

For each case involving a criminal, criminal traffic, or civil traffic offense, the municipal court shall assess each person a Case Processing Fee of not more than \$20 for each case in which there is an adjudication adverse to the person in that matter. For purposes of this Section, adverse adjudication shall include any and all determinations of guilt or responsibility including "no contest" pleas in criminal matters, irrespective of the punishment or penalty imposed by the city judge.

Sec. 5-56. Warrant Issuance Administrative Fee

When the municipal court issues a warrant for failure to appear, non-compliance with any court order, failure to pay a fine, failure to pay restitution, or failure to pay any other fees or penalties, the judge shall impose an administrative fee of not more than \$75 upon the person for whom the warrant is issued. This fee shall be added to the sum or sums set forth in the warrant.

Sec. 5-57. Defense Appointment Fee

The municipal court shall assess each person who receives the services of a court-appointed defense attorney and against whom an adjudication of guilt, including pleas of no contest, is entered, a defense appointment fee. The amount of the fee shall be at the discretion of the judge, who shall consider the nature, complexity and seriousness of the charges and services provided by the court-appointed defender, as well as the financial condition of the person.

Sec. 5-58. License Reinstatement Processing Fee

The judge shall assess a license reinstatement processing fee of not more than \$50 for processing requests for license reinstatement for those persons whose licenses were suspended, revoked or cancelled due to failure to comply with a lawful order of the municipal court, including but not limited to, the payment of fines, failing to complete counseling, alcohol or drug-screening or failing to appear in the municipal court pursuant to civil traffic violations.

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Sec. 5-59. Default Fee

In any civil traffic matter where a default is entered against a person for failure to timely appear and defend or plead to the charge, a default processing fee of \$25 shall be imposed against the person.

Sec. 5-60. Jail Cost Recovery Fee

The municipal court shall order a person who is convicted of a misdemeanor offense and who is sentenced to a term of incarceration to reimburse the city for the incarceration costs. The court may determine the amount of incarceration costs to be paid based on the following factors:

- (a) The per diem per person cost of incarceration incurred by the political subdivision that incarcerates the person.
- (b) The person's ability to pay part or all of the incarceration costs.

Sec. 5-61. Deferred Prosecution and Probation Fee

In addition to other fees established in this Article, a Deferred Prosecution and Probation Fee shall be imposed on each criminal case for which the court defers prosecution of an offense or places an offender on probation for a criminal offense. The amount of the Deferred Prosecution and Probation Fee in each case, which shall be no less than \$25 or more than \$150, shall be determined by the judge who will base this determination upon the level of administrative services expected to be provided by the court or the city as a result of the deferred prosecution or period of probation.

Sec. 5-62. Court Enhancement Fund

- (a) There is created a court enhancement fund, which shall be used exclusively to enhance the technological and operation capabilities of the municipal court, including, but not limited to, the operation of the judicial collection program.
- (b) Pursuant to Section 5-14 of this Code and A.R.S. § 22-404(e), the court enhancement fund shall be funded by the assessment of following fees:

(1) *Security fee.* A fee shall be assessed to cover the costs of providing, staffing, servicing, and maintaining magnetic, electronic, or other security devices, and such other costs associated with or incidental to providing a court security system for the benefit of employees and the public. The security fee shall not exceed five percent of the base fine or civil sanction imposed by the court.

(2) *Resource protection fee.* A resource protection fee shall be assessed to cover administrative costs incurred as a result of the unnecessary expenditure of otherwise available resources on account of unreasonable delay, prolongation or duplication occasioned by litigants. The resource protection fee shall be in an amount of not more than actual costs involved, not to exceed \$1,000.00 per event, and may be assessed against litigants and/or their attorneys, but shall not be assessed against the state or any attorney appearing on behalf of the state. This fee shall not exceed actual costs involved and is intended to include, without limitation, the following:

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(i) In the case of a plea to the court on the day of a scheduled jury trial, the fees may include all jury related costs including but not limited to (1) fees paid to jurors who actually appeared for the jury trial, and (2) mailing costs incurred by the court to summon the jurors for that trial;

(ii) In the case of a plea to the court on the calendar call day which falls within the week of the scheduled jury trial, the fees shall be limited to the actual cost of the court to summon the jurors for that case.

Court enhancement fees shall be deposited in a separate agency account for the court enhancement fund and shall only be used for the budgeted purposes as authorized by the presiding judge.

Secs. 5-63—5-99. Reserved